

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MARLON L. ROBERSON,
Petitioner,
v.
S. PEERY, Warden,
Respondent.

No. 2:22-cv-00519 DB P

ORDER

Petitioner, a state prisoner, proceeds pro se with an application for writ of habeas corpus under 28 U.S.C. § 2254. Respondent's motion to vacate (ECF No. 19) is before the court.

Respondent states that in addition to the instant action, petitioner has filed a second action challenging the same sentence. See Roberson v. People of the State of California and S. Peery, 2:22-CV-1557 DAD JDP (HC). Respondent is moving to consolidate these actions and requests the court to vacate the order requiring respondent to file a response in the instant action until the court has ruled on the motion to consolidate filed in Roberson v. People of the State of California and S. Peery, 2:22-CV-1557 DAD JDP (HC).

Good cause appearing, IT IS HEREBY ORDERED as follows:

1. Respondent's motion to vacate (ECF No. 19) is GRANTED.

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2. The briefing schedule in the order signed on April 4, 2023 (ECF No. 16) is VACATED. The court will issue a new briefing schedule in this action after the court has ruled on the motion to consolidate filed in Roberson v. People of the State of California and S. Peery, 2:22-CV-1557 DAD JDP (HC).

Dated: June 6, 2023


DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE

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